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GOVERNMENT OF ODISHA

ELECTRONICS & INFORMATION TECHNOLOGY DEPARTMENT

RESOLUTION

The 26th February 2024

SUBJECT— Amendment to Odisha Mobile Towers and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017 as per the Indian Telegraph Right of Way (Amendment) Rules, 2023

In order to align Odisha Mobile Towers and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017 with the Indian Telegraph Right of Way (Amendment) Rules, 2023 and to facilitate faster and easier deployment of Telecom Infrastructure for speedy 5G rollout by mitigating the operational difficulties for establishing telegraph infrastructure by the Telecom Service Providers (TSPs)/Infrastructure Providers (IPs) across the State as well as to upgrade/improve quality of services, the State Cabinet in its 72nd meeting held on the 12th February 2024 has approved the following amendments in the Odisha Mobile Towers and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017 :—

Existing Clause in Odisha Mobile Towers and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017	Proposed Modified/ Additional Clause	Final Proposal
(1)	(2)	(3)
Clause 5. 5.2 (5) does not exist and it is to be inserted.	Meaning of mobile tower, pole and small cell. For the word and figure “Rule 5.10 (B)”, the word and figures “Rule 5.10(A) & 5.10 (B)”, shall be substituted in the proposed Rule 5.5.2 (5).	Following Clause to be added : Clause 5.5.2 (5) For the purpose of this rule, and Rule 5.10 (A) & 5.10 (B) and the schedule, the expression : (a) “mobile tower” means any above ground contrivance for carrying suspending or supporting a telegraph but does not include pole ;

(1)	(2)	(3)
<p>Clause 5.10 (A) (5)</p> <p>The appropriate central authority may permit installation of small cells on their buildings and structures.</p>	<p>Paragraph to be replaced</p>	<p>(b) “pole” means any above ground contrivance of height not exceeding eight meters for carrying, suspending or supporting a telegraph but does not include mobile tower ;</p> <p>(c) “small cell” means a low powered cellular radio access node that has a coverage of distance from ten meters to two kilometres.</p> <p>The Paragraph to be replaced by the following :</p> <p>The appropriate central authorities shall permit deployment of small cells and shall charge no administrative fees or compensation for deployment of small cells on buildings and structures vested in or under their control as per Part-I or Part-III of the schedule :</p> <p>Provided that the charges shall be levied for power (as per industry tariffs), fixtures etc. provided by building owners as per actuals and licensee shall restore the damage done during deployment of small cells.</p>
<p>Clause 5.10 (C) does not exist and it is to be inserted.</p>	<p>New clause to be added as 5.10 (C) :</p> <p>Establishment of temporary over ground telegraph infrastructure.</p>	<p>Following clause to be added :</p> <p>5.10 (C). Establishment of temporary over ground telegraph infrastructure :</p> <p>(1) In case of damage of any existing underground telegraph infrastructure for any reason, the licensee whose existing underground telegraph infrastructure is damaged, may temporarily establish the over ground telegraph infrastructure in lieu of the damaged underground telegraph infrastructure, to restore the telegraph service for the period of sixty days from the date of reporting of damage of the infrastructure to the appropriate authority.</p> <p>(2) No fee or compensation shall be charged by the appropriate authority for the establishment of temporary over ground telegraph infrastructure under this rule.</p>

(1)	(2)	(3)
Clause 5.10 (C). 1 does not exist and it is to be inserted.	New clause to be added as 5.10 (C) 1 Street Furniture meaning	Following Clause to be added : Clause 5.10 (C).1 “Street Furniture” means post or pole used for electricity, street light, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, memorial, public sculpture, utility pole or any other structure or contrivance of such nature established over the property of an appropriate authority.
Clause 5.10 (C).2 does not exist and it is to be inserted.	New clause to be added as 5.10 (C) 2	Following Clause to be added : Clause 5.10 (C).2 The licensee shall have the option of submitting single application for multiple sites and appropriate authority shall make due provisions for accepting such applications and issuing single permission for multiple sites accordingly for establishment of small cells.

The Schedule

[See rules 5.5.1.a, 5.10, 5.10 (C), 5.10 (A)(2), 5.10.viii, 5.5.2(3), 6.7, 5.5.1 (xiv), 5.5.2 (1B), 5.10 (C), 5.10 (A).5, 5.10(A)(4), 5.10(A.5)]

Rule (1)	Item (2)	Amount (3)	Remarks (4)
Part - I Fee			
5.5.1.a	For establishment of underground telegraph infrastructure.	One thousand rupees per kilometer.	Exist
5.10	For establishment of over ground telegraph infrastructure.	(i) Ten thousand rupees for establishment of mobile towers. (ii) one thousand rupees per kilometer for establishment of over ground telegraph line. (iii) Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in or under control or management of appropriate central authority. (iv) One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate authority other than appropriate central authority.	Exist

(1)	(2)	(3)	(4)
5.10(C)	For establishment of over ground telegraph infrastructure.	Nil	New clause to be added.
5.10(A)(2)	For establishment of Small Cell and telegraph line using the Street Furniture.	Nil	Exist
5.10(viii)	For the deployment of small cells on building or structures vested in or under the control of appropriate Central Authorities.	Nil	Exist under 5.10 (iii) of the Schedule of the earlier amendment.
Part - II CHARGES FOR RESTORATION			
5.5.1 (xiv)	Establishment of over ground telegraph infrastructure.	Sum required to restore Immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area. Further, licensee shall restore the damage incurred in case of establishment of poles for installation of Small Cells and telegraph line.	Exist
5.5.2 (3)	Establishment of underground telegraph infrastructure where undertaking is not given by the licensee to discharge the responsibility to restore the damage.	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.	Exist
6.7	Bank guarantee as security for performance in case of establishment of underground telegraph infrastructure where undertaking is given by the licensee to discharge the responsibility to restore the damages.	20% of the sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.	Exist

(1)	(2)	(3)	(4)
Part - III COMPENSATION			
5.5.2 (1B)	Establishment of underground telegraph infrastructure.	Nil	Exist
5.10 (A)(5)	Establishment of over ground telegraph infrastructure.	Rates as the appropriate authority may by general order, specify, if such property cannot be used for any other purpose. However, for establishment of poles for installation of small cells and telegraph line, compensation shall be Nil.	New clause to be added.
5.10 (C)	Establishment of temporary over ground telegraph infrastructure.	Nil	New clause to be added.

These amended provisions will come in to force with immediate effect.

ORDER—Ordered that the Resolution be published in an extraordinary issue of the *Odisha Gazette* and copies of the Resolution be forwarded to all Departments of the Government.

By order of the Governor

MANOJ KUMAR MISHRA

Principal Secretary to Government